

REMARKS

Applicant, by the amendments presented above and the arguments presented below, has made a concerted effort to present claims which clearly define over the prior art of record, and thus to place this case in condition for allowance. Claims 1 and 3-38 are currently pending. Claim 2 was previously cancelled. Claim 38 is newly added. Claims 1 and 36 have been amended.

Claim Rejections – 35 U.S.C. §103

Claims 1, 3 and 13-20 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over United States Patent No. 4,357,047 to Katz. With regard to independent claim 1, the Examiner stated that, noting figure 2, an outer (e.g. external) surface of the base rail as broadly claimed faces an inner skin of the panel as broadly claimed. The Examiner further noted that independent claim 1 does not require contact with the inner skin per se.

Applicant does not agree with the Examiner's assertion that an outer surface of the base rail faces an inner skin of the panel, but, in an attempt to expedite prosecution of this application, Applicant has amended independent claim 1 to change the limitation of "an outer surface of said baserail at said upper portion thereof faces said inner skin of said at least one panel at said lower portion thereof" to – an outer surface of said baserail at said upper portion thereof contacts said inner skin of said at least one panel at said lower portion thereof –. Applicant states that the outer surface of the baserail of Katz does not contact an inner skin of the panel. As such, Applicant respectfully requests reconsideration and allowance of independent claim 1 in view of Katz.

Applicant has further amended independent claim 1 to require that the at least one

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panel have an upper portion, a lower portion and a bottom end, and that the at least one panel be supported at the bottom end thereof. Applicant states that independent claim 1 with this limitation included therein is patentable over the prior art of record. More specifically, Applicant notes that the panel of United States Patent No. 5,509,714 to Schmidt is not supported at the bottom end thereof (see FIG. 4), e.g., nothing is provided directly below the bottom end of the panel to provide support to the bottom end of the panel. Thus, Applicant states that independent claim 1 is patentable in view of Schmidt.

Applicant has further amended independent claim 1 to remove the limitation of "said bottom rail having an upper portion and a lower portion". Applicant has further amended independent claim 1 to change the limitation of "said lower portion of said baserail being secured to said upper portion of said bottom rail" to - said lower portion of said baserail being secured to said bottom rail -. Applicant has made these amendments to independent claim 1 as Applicant states that such limitations are not necessary for independent claim 1 to be found patentable over the prior art of record.

As claims 3 and 13-20 are all ultimately dependent upon independent claim 1, and because Applicant states that independent claim 1 is patentable in view of the prior art of record, Applicant respectfully requests reconsideration and allowance of claims 3 and 13-20.

Claim 32 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over United States Patent No. 4,357,047 to Katz in view of United States Patent No. 4,940,279 to Abbott et al.

As claim 32 is dependent upon independent claim 1, and because Applicant states that independent claim 1 is patentable in view of the prior art of record, Applicant respectfully requests reconsideration and allowance of claim 32.

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Allowable Subject Matter

The Examiner indicated that claims 4-12, 21-31 and 33-37 were allowed. Applicant contacted the Examiner to discuss the allowability of claims 34 and 36 as these claims are dependent upon rejected independent claim 1. The Examiner stated that claims 34 and 36 should have been objected to as being dependent upon a rejected base claim, but allowable if amended into independent form to include all of the limitations of the base claim, namely independent claim 1.

In view thereof, Applicant has amended claim 36 into independent form to include the limitations of independent claim 1. Applicant notes that in new independent claim 36, Applicant has not included the limitation from independent claim 1 of "said bottom rail having an upper portion and a lower portion", and has changed the limitation from independent claim 1 of "said lower portion of said baserail being secured to said upper portion of said bottom rail" to - said lower portion of said baserail being secured to said bottom rail -. Applicant has omitted these limitations in new independent claim 36 as Applicant states that such limitations are not required for this claim to be patentable. Applicant respectfully requests reconsideration and allowance of new independent claim 36.

Applicant has elected to not amend claim 34 into independent form to include all of the limitations of independent claim 1. However, in view of the amendments made to independent claim 1, Applicant states that independent claim 1 is in condition for allowance in view of the prior art of record and, thus, claim 34 is also in condition for allowance as it is dependent on independent claim 1. Thus, Applicant respectfully requests reconsideration and allowance of claim 34.

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Newly Added Claim

Applicant has added new claim 38 which is dependent upon independent claim 1. As claim 38 is dependent upon independent claim 1, and because Applicant states that independent claim 1 is patentable in view of the prior art of record, Applicant respectfully requests reconsideration and allowance of claim 38.

In view of the above Amendments and Remarks, Applicant respectfully submits that the claims of the application are allowable over the rejections of the Examiner. Should the Examiner have any questions regarding this Amendment, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

Respectfully submitted,

Date: May 10, 2006

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